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CHILDREN'S APPAREL NETWORK, LTD. and MERVYN'S LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GYM-MARK, INC. and GYMBOREE, INC.,

Plaintiffs,

v.

CHILDREN'S APPAREL NETWORK, LTD. and  
MERVYN'S LLC,

Defendants.

Case No.: C 07-03523 (JW) (HRL)

**STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS**

1 Counsel report that they have met and conferred regarding ADR and have reached  
2 the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

3 The parties agree to participate in the following ADR process:

4 **Court Processes:**

- 5           – Non-binding Arbitration (ADR L.R. 4)  
6           – Early Neutral Evaluation (ENE) (ADR L.R. 5)  
7           X Mediation (ADR L.R. 6)

8 **Private Process:**

- 9           – Private ADR (*please identify process and*  
10           *provider*)\_\_\_\_\_

11 The parties agree to hold the ADR session by:

- 12           X the presumptive deadline (*The deadline is 90 days from the date*  
13           *of the order referring the case to an ADR process unless*  
14           *otherwise ordered. )*  
15           – other requested deadline\_\_\_\_\_

16 Dated: November 9, 2007

17 /s/ Annette L. Hurst  
Attorney for Plaintiffs

18 Dated: November 9, 2007

19 /s/ Martha C. Luemers  
Attorney for Defendants

1 **[PROPOSED] ORDER**

2 Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- 3       — Non-binding Arbitration  
4       — Early Neutral Evaluation (ENE)  
5       X Mediation  
6       — Private ADR

7 Deadline for ADR session:

- 8       X 90 days from the date of this order.  
9       — other \_\_\_\_\_

10 IT IS SO ORDERED.

11 Dated: \_\_\_\_\_

12 UNITED STATES DISTRICT COURT JUDGE  
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ATTESTATION OF E-FILED SIGNATURE

I, Annette L. Hurst, attest that Martha C. Luemers has read and approved the Stipulation and [Proposed] Order Selecting ADR Process. I will maintain records of Ms. Luemers' concurrence in our files that can be made available for inspection upon request.

/s/Annette L. Hurst  
Annette L. Hurst